

Notice of Allowability

Application No.

10/807,635

Examiner

Catherine M. Joyce

Applicant(s)

AFAR ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment and Response to Office Action filed December 7, 2006.
2. ☒ The allowed claim(s) is/are 42-46 and 48-51, now 1-9, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SUSAN UNGAR, PH.D.
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

2. The Amendment filed December 7, 2006 in response to the Office Action of August 21, 2006 is acknowledged and has been entered. Claims 1-41 and 47 are canceled and claims 42-46 and 48-51 are currently under prosecution.

3. The application has been amended as follows:

Claim 42: An isolated nucleic acid molecule which comprises a nucleotide sequence that

(a) encodes a protein comprising the amino acid sequence of SEQ ID NO:2 or a variant thereof at least 90% identical thereto ~~and having only conservative amino acid substitutions~~, wherein amino acid substitutions are conservative amino acid substitutions, which variant raises antibodies that specifically bind ~~an~~ the extracellular region of the protein consisting of the amino acid sequence of SEQ ID NO:2; or

(b) encodes the a protein encoded by a cDNA contained in the plasmid designated p24p4C12-GTE5 deposited with American Type Culture Collection as Designation No. 207129; or

(c) encodes the a protein encoded by a cDNA contained in the plasmid designated p24p4C12-GTE5 deposited with American Type Culture Collection as Designation No. 207084; or

(d) comprises a nucleotide sequence fully complementary to the entire length of the nucleotide sequences designated in paragraphs (a)-(c).

Claim 43: The nucleic acid molecule of claim 42 which comprises a nucleotide sequence that encodes a protein comprising the amino acid sequence of SEQ ID NO:2 or a variant thereof at least 90% identical thereto ~~and having only conservative amino~~

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~~acid substitutions~~, wherein amino acid substitutions are conservative amino acid substitutions, which variant raises antibodies that specifically bind the ~~an~~ extracellular region of the protein consisting of the amino acid sequence of SEQ ID NO:2 or a the full complement of said nucleotide sequence over its entire length.

Claim 44: The nucleic acid molecule of claim 43 wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:2 or a the full complement of said nucleotide sequence over its entire length.

Claim 45: The nucleic acid molecule of claim 42 which comprises a nucleotide sequence that encodes a the protein encoded by a cDNA contained in the plasmid designated p24P4C12-GTE5 deposited with American Type Culture Collection as Designation No. 207084 or a the full complement of said nucleotide sequence over its entire length.

Claim 46: The nucleic acid molecule of claim 42 which comprises a nucleotide sequence that encodes a the protein encoded by a cDNA contained in the plasmid designated p24P4C12-GTE9 deposited with American Type Culture Collection as Designation No. 207084 or a the full complement of said nucleotide sequence over its entire length.

Claim 48: The nucleic acid of claim 47 42 which comprises SEQ ID NO:1 from nucleotide residues number 6 through nucleotide residue number 2138 or a the full complement of said nucleotide sequence over its entire length.

Claim 50: Isolated recombinant host cells comprising the expression system of claim 49.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Kate Murashige on December 15, 2006.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably

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accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Joyce whose telephone number is (571) 272-3321. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley, can be reached at 571-272-0898. The fax phone number for this Art Unit is (571) 273-8300.

Catherine M. Joyce
Patent Examiner
Art Unit 1642

SUDAN UNGAR, PH.D.
PRIMARY EXAMINER

